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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**
13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE
16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,
18 LLC,¹

19 USA CAPITAL DIVERSIFIED TRUST
20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED
22 FUND, LLC,²

23 USA SECURITIES, LLC,³ Debtors.

24 **Affects:**

25 All Debtors
26 USA Commercial Mortgage Company
27 USA Capital Realty Advisors, LLC
28 USA Capital Diversified Trust Deed Fund, LLC
29 USA Capital First Trust Deed Fund, LLC
30 USA Securities, LLC

31 Case No. BK-S-06-10725-LBR¹
32 Case No. BK-S-06-10726-LBR¹
33 Case No. BK-S-06-10727-LBR²
34 Case No. BK-S-06-10728-LBR²
35 Case No. BK-S-06-10729-LBR³

36 **CHAPTER 11**

37 Jointly Administered Under Case No.
38 BK-S-06-10725 LBR

39 **NOTICE OF HEARING REGARDING
40 FIRST OMNIBUS OBJECTION OF
41 USACM TRUST TO PROOFS OF
42 CLAIM BASED, IN WHOLE OR IN
43 PART, UPON INVESTMENT IN
44 THE ARAPAHOE LAND
45 INVESTMENTS, LP LOAN**

46 Date of Hearing: October 19, 2009
47 Time of Hearing: 3:00 p.m.

48 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
49 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
50 CLAIM TO THE EXTENT IT IS BASED UPON INVESTMENT IN THE**

51 ¹ This bankruptcy case was closed on September 23, 2008.

52 ² This bankruptcy case was closed on October 12, 2007.

53 ³ This bankruptcy case was closed on December 21, 2007.

**ARAPAHOE LAND INVESTMENTS, LP LOAN. THIS OBJECTION WILL NOT
IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN
INVESTMENT IN A DIFFERENT LOAN.**

PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust has filed its First Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Arapahoe Land Investments, LP Loan (the “Objection”). Your Proof of Claim number and other information regarding your claim is provided in **Exhibit A**, attached. The USACM Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is based upon investment in the Arapahoe Land Investments, LP Loan . The Objection will not impact your Claim to the extent it is based upon an investment in a different loan.

NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on **October 19, 2009, at the hour of 3:00 p.m.**

NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON OCTOBER 19, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.

1 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
2 by **October 9, 2009**, pursuant to Local Rule 3007(b), which states:

3 If an objection to a claim is opposed, a written response must be filed and
4 served on the objecting party at least 5 business days before the scheduled
5 hearing. A response is deemed sufficient if it states that written
6 documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the Court. You *must* also serve your written response on the person who
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
11 written response on the person who sent you this notice, then:

12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
13 • The Court may *rule against you* and sustain the objection without formally
14 calling the matter at the hearing.

15 Dated: September 18, 2009.

16 LEWIS AND ROCA LLP

17 By /s/ Marvin Ruth (#10979)
18 Rob Charles, NV 6593
19 John C. Hinderaker, AZ 18024 (*pro hac vice*)
20 Marvin Ruth, NV 10979
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22 Las Vegas, Nevada 89169
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25 E-mail: mruth@lrlaw.com
26 *Attorneys for the USAACM Liquidating Trust*

27 Copy of the foregoing and pertinent
28 portion of Exhibit A mailed by first
29 class postage prepaid U.S. Mail on
30 September 18, 2009 to:

31 Parties listed on Exhibit A attached.

32 LEWIS AND ROCA LLP

1 /s/ Kristin Reynolds
2 Kristin Reynolds
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